

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUIS F. MARTINEZ-CORTES,

Defendant.

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8:06CR348

ORDER

This matter is before the court on defendant's Motion to Continue Trial [70]. Defendant has also filed a waiver of speedy trial [69]. For good cause shown,

IT IS ORDERED that defendant's Motion to Continue Trial [70] is granted as follows:

1. The above-entitled case is scheduled for a jury trial before the Honorable Laurie Smith Camp, District Court Judge, to begin **Wednesday, August 21, 2007** at 9:00 a.m. in Courtroom No. 2, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska; because this is a criminal case, defendant(s) must be present in person. Counsel will receive more specific information regarding the order of trial from Judge Smith Camp's staff.

2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **July 24, 2007 and August 21, 2007**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, 18 U.S.C. § 3161 because counsel require more time to effectively prepare the case, taking into account the exercise of due diligence. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

3. Filing No. 68 is hereby stricken, as the incorrect PDF document was attached.

DATED July 11, 2007.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge